

EXHIBIT 1

6-14-17 WJ

COPY

Jesse Dahlke
10/16/17

FILED
06-09-2017
John Barrett
Clerk of Circuit Court
2017CV004700
Dennis P.
Moroney-20
Branch 20

STATE OF WISCONSIN : CIRCUIT COURT :
CIVIL DIVISION

MILWAUKEE COUNTY

LEISA LOWE
5138A N. 107th Street
Milwaukee, WI 53225

Plaintiff

and

WISCONSIN DEPT. OF HEALTH SERVICES
c/o Sect. Linda Seemeyer
1 West Wilson Street
Madison, WI 53703

Involuntary Plaintiff

v.

WAL-MART STORES INC.

c/o CT Corporation System, Registered Agent
301 S. Bedford St. Suite 1
Madison, WI 53703

ABC INSURANCE COMPANY
the fictitious name for an unknown insurance company

Defendants

SUMMONS

Personal Injury-Other: 30107

Case No.:

THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer

must be sent or delivered to the court, whose address is Milwaukee County Courthouse, 901 N. 9th St., Milwaukee, WI 53233, and to Martin Law Office, S.C., plaintiff's attorneys, whose address is 7280 S. 13th St., Ste. 102, Oak Creek, WI 53154. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: June 9, 2017

MARTIN LAW OFFICE, S.C.
Attorney for Plaintiff

Electronically signed by Kevin R. Martin

Kevin R. Martin
State Bar No. 01045748

ADDRESS
7280 S. 13th St., Ste.102
Oak Creek, WI 53154
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COMPLAINT

Personal Injury-Other: 30107

Case No.:

NOW COMES the above-named plaintiff, by her attorneys, Martin Law Office, S.C., and as
and for her claims for relief, alleges and shows to the Court as follows:

PARTIES

1. That at the present time, the plaintiff, Leisa Lowe, is an adult citizen and resident of the State of Wisconsin, residing at 5138A N. 107th Street, Milwaukee, WI 53225.
2. That at the present time, the involuntary plaintiff, Wisconsin Department of Health Services, is a statutorily created health insurance provider, with offices of Sect. Linda

Seemeyer, located at 1 West Wilson St., Madison, Wisconsin 53703; that Wisconsin Department of Health Services has paid medical and related expenses on behalf of the plaintiff, Leisa Lowe, as a result of injuries she sustained in the incident that is the subject of this lawsuit pursuant; that by reason of any such payments, Wisconsin Department of Health Services is a proper party under sec. 803.03, Wis. Stats.

3. That at the present time, the defendant, Wal-Mart Stores Inc., its agents, servants and/or employees, is a foreign corporation, with offices of its registered agent, CT Corporation System, located at 301 S. Bedford St. Suite 100, Madison, WI 53703, and a principal office located at 702 SW 8th Street, Bentonville, AR 72716; that at all times material hereto, Wal-Mart Stores Inc. was the owner and/or employer of a public building and/or place of employment located at 401 E. Capitol Drive, Milwaukee, WI 53212; that the defendant, Wal-Mart Stores Inc. does substantial and not isolated business in Milwaukee County.

4. That at all times material hereto, the defendant, ABC Insurance Co., is the fictitious name for an unknown insurance company, that is engaged in the business of writing and selling liability insurance; that on information and belief, prior to the date of the incident described below, ABC Insurance Co. issued a policy of insurance to Wal-Mart Stores Inc. for claims such as those hereafter set forth, and which policy of insurance was in full force and effect at the time of the incident described below; that in said contract of insurance, ABC Insurance Co. reserved the right to settle or adjust any claims arising thereunder and to defend any lawsuits instituted by virtue of any such claims and has a direct interest in this litigation; that pursuant to Wis. Stat. § 807.12, ABC Insurance Co. is being inserted in place of the real and proper insurance company defendant, which, as soon as its identity is ascertained, will be substituted in place of ABC Insurance Co.

GENERAL ALLEGATIONS

5. That on July 1, 2014, the plaintiff, Leisa Lowe, was a frequenter and invitee who was shopping at the Wal-Mart store located at 401 E. Capitol Drive, Milwaukee, WI 53212; that as Ms. Lowe walked down an aisle in the Health and Beauty section of said Wal-Mart, she slipped and fell on an unmarked accumulation of liquid on the tile flooring; that prior to and at the time of this incident, 1-2 Wal-Mart employees were working within view of the liquid and did not take steps to warn customers or 'dry the liquid prior to Ms. Lowe's fall; that the defendant, Wal-Mart Stores, Inc., had both actual and constructive notice of the subject accumulation of liquid.

6. That the unmarked accumulation of liquid as provided herein was in violation of Wisconsin's Safe Place Statute, § 101.11, Wis. Stats.; that subsequent to this incident, the defendant, Wal-Mart Stores Inc., took measures, including drying the area and marking the area with a wet-floor sign, that, if taken prior to this incident, would have made this incident less likely to occur.

7. That as a direct and proximate result of the described incident and the negligence of the defendants, Wal-Mart Stores Inc., its agents, servants and/or employees, as hereinafter alleged, the plaintiff, Leisa Lowe, sustained permanent injuries and damages, including past and future pain, suffering, disability and loss of enjoyment of life; past and future medical expenses; and other compensable injuries and damages, all to her damage in an amount to be determined at a trial of this matter.

FIRST CLAIM FOR RELIEF – NEGLIGENCE AGAINST WAL-MART STORES INC.

8. Realleges and incorporates herein by reference the allegations of the preceding paragraphs.

9. That at all times material hereto, the defendant, Wal-Mart Stores Inc., was the owner and/or employer of a public building and/or place of employment located at 401 E. Capitol Drive, Milwaukee, WI 53212 and was therefore obliged to exercise due care for the safety of frequenters and/or invitees on said premises; that at all times material hereto, including on July 1, 2014, the defendant, Wal-Mart Stores Inc., its agents, servants and/or employees, breached its duty of care and was negligent in that they, amongst other things, failed to keep the store's tile floors free and clear of liquid substances in areas where its patrons were required to walk; failed to clean up the liquid prior to Ms. Lowe's fall when they knew or should have known that liquid was present; failed to warn of the dangerous condition of the tile floor where the liquid was present; failed to use proper tile flooring in the area where Ms. Lowe fell; failed to have any floor mats on the tile flooring in the area where Ms. Lowe fell; and were otherwise negligent.

10. That as a direct and proximate result of the described incident and the negligence of the defendants, Wal-Mart Stores Inc., its agents, servants and/or employees, the plaintiff, Leisa Lowe, sustained permanent injuries and damages, including past and future pain, suffering, disability and loss of enjoyment of life; past and future medical expenses; and other compensable injuries and damages, all to her damage in an amount to be determined at a trial of this matter.

SECOND CLAIM FOR RELIEF –
SAFE PLACE AGAINST WAL-MART STORES INC.

11. Realleges and incorporates herein by reference the allegations of the preceding paragraphs.

12. That all times material hereto, the plaintiff, Leisa Lowe, was a frequenter and/or invitee and lawfully entitled to be on the premises where this incident occurred.

13. That the premises where Leisa Lowe was injured was both a place of employment and a public building within the meaning of sec. 101.11 of the Wisconsin Statutes (the "Safe Place

Act”), and the defendant, Wal-Mart Stores Inc., its agents, servants and/or employees, had a duty pursuant to the “Safe Place Act” to, amongst other things, furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render the premises as safe and as free from danger as its nature reasonably permitted, construct, repair and maintain said premises so as to render it safe, and do every other thing reasonably necessary to protect the life, health, safety and welfare of frequenters on the premises, including the plaintiff, Leisa Lowe.

14. That the defendant, Wal-Mart Stores Inc., its agents, servants and/or employees, negligently failed to make said premises as safe as its nature reasonably permitted, in violation of its duties under the Safe Place Act, in that it did not keep the store’s tile floors free and clear of liquid substances in areas where its patrons were required to walk; clean up the liquid prior to Ms. Lowe’s fall when they knew or should have known that liquid was present; warn of the dangerous condition of the tile floor where the liquid was present; use proper tile flooring in the area where Ms. Lowe fell; have any floor mats on the tile flooring in the area where Ms. Lowe fell; and were otherwise negligent.

15. That as a direct and proximate result of the described incident and the negligence and violation of Wisconsin’s Safe Place Law by the defendant, Wal-Mart Stores Inc., its agents, servants and/or employees, the plaintiff, Leisa Lowe, sustained permanent injuries and damages, including past and future pain, suffering, disability and loss of enjoyment of life; past and future medical expenses; past and future loss of earning capacity; and other compensable injuries and damages, all to her damage in an amount to be determined at a trial of this matter.

WHEREFORE, the plaintiff demands judgment as follows:

a. For compensatory damages on behalf of Leisa Lowe in an amount to be determined at a trial of this matter;

b. For all costs, disbursements and actual attorney's fees, and all interest due and owing pursuant to sec. 628.46, Wis. Stat.;

c. For a dismissal of any subrogation or reimbursement claims in this matter, and,

d. For any other relief this Court deems just and equitable.

PLEASE TAKE NOTICE THAT THE PLAINTIFFS DEMAND A TRIAL IN THE ABOVE-ENTITLED ACTION.

Dated: June 9, 2017

MARTIN LAW OFFICE, S.C.
Attorney for Plaintiff

Electronically signed by Kevin R. Martin

Kevin R. Martin
State Bar No. 01045748

ADDRESS
7280 S. 13th St., Ste.102
Oak Creek, WI 53154.
414-856-2310 (office)
414-856-2675 (fax)
kevin@martin-law-office.com

Leisa Lowe vs. WAL-MART Stores Inc. et al

**Electronic Filing
Notice**Case No. 2017CV004700
Class Code: Other-Personal InjuryFILED
06-09-2017
John Barrett
Clerk of Circuit Court
2017CV004700
Honorable Dennis P.
Moroney-20
Branch 20WI DEPT. OF HEALTH SERVICES
1 WEST WILSON STREET
C/O SECT. LINDA SEEMEYER
MADISON WI 53703

Case number 2017CV004700 was electronically filed with/converted by the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 2c5f74

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4120.

BY THE COURT:Electronically signed by John Barrett
Clerk of Circuit Court

06-09-2017

Date

Leisa Lowe vs. WAL-MART Stores Inc. et al

**Electronic Filing
Notice**

Case No. 2017CV004700

Class Code: Other-Personal Injury

FILED**06-09-2017****John Barrett****Clerk of Circuit Court****2017CV004700****Honorable Dennis P.****Moroney-20****Branch 20**

WAL-MART STORES INC.
301 S. BEDFORD ST. #1
C/O CT CORPORATION SYSTEM, REGISTERED AGENT
MADISON WI 53703

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Clerk of Circuit Court

06-09-2017

Date

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

Leisa Lowe vs. WAL-MART Stores Inc. et al

**Electronic Filing
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Case No. 2017CV004700
Class Code: Other-Personal Injury

FILED
06-09-2017
John Barrett
Clerk of Circuit Court
2017CV004700
Honorable Dennis P.
Moroney-20
Branch 20

ABC INSURANCE COMPANY
ADDRESS UNKNOWN
CITY UNKNOWN WI 00000

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